

## **REMARKS**

In the Office Action the Examiner rejected claims 1-12 under 35 U.S.C. § 101 as directed toward non-statutory subject matter. While the applicant does not necessarily agree with the Examiner's assessment, in the interest of speedy prosecution, the Applicant has cancelled claims 1-12.

In the Office Action, the Examiner rejected claims 13-14, 16, 19 and 20 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,407,680 to Lai et al. The Examiner asserts that Lai et al. teaches receiving status data relating to a first machine scheduled to perform a job, determining whether the status data indicates the first machines is unavailable to perform the job, and if the status data indicates the first machine is unavailable, identifying a second machine operable to perform the job, and reassigning the job from the first machine to the second machine.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). In rejecting independent claims 13 and 19 the Examiner appears to ignore the claim limitations that the method and system are directed to manufacturing machines. The Applicant has not merely claimed machines in the abstract as she implies in her Office Action. In fact, the claims are directed to *manufacturing* machines. For example, claim 13 recites the step of "receiving notification that a first *manufacturing* machine is unavailable to perform a *manufacturing* job."

Lai et al. is not directed toward manufacturing machines. Lai et al. is directed toward a distributed on-demand media transcoding system and method. Thus, Lai et al. teaches a plurality of transcoders for transcoding from a plurality of source types to a plurality of destination types. The system receives a transcoding requests for media content, fetches the media content and sends the media content to one of the plurality of transcoders based on the source type and the destination type. The media content is then transcoded and transmitted to the requesting destination.

Lai et al. does not disclose or teach any methods or systems relating to manufacturing machines. Thus, because Lai et al. does not disclose each and every element of independent claims 13 and 19 the Examiner's anticipation rejection is improper. Thus, it is believed that claims 13 and 19, and the claims depending therefrom, are allowable over the cited prior art.

Based on the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 050877.

Respectfully submitted,

By: /mcp/

Michael C. Prewitt, Reg. No. 60526

November 11, 2008

c/o ABB Inc.  
29801 Euclid Avenue-4U6  
Wickliffe, Ohio 44092-2530  
(440) 585-7826